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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 STANTON CAMPBELL GRIFFIN,

11 Plaintiff,

12 v.

13 CITY OF LAKE ELSINORE, et al.,

14 Defendants.
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Case No. 2:17-CV-00730-KJD-VCF

ORDER

16 Before the Court is Defendants' Motion to Dismiss (#8). Plaintiff, Stanton Campbell Griffin,
17 responded (#15), to which Defendants replied (#23).

18 **I. Background**

19 Plaintiff, Stanton Campbell Griffin, received a parking ticket in Lake Elsinore, California in
20 March 2014. Griffin unsuccessfully challenged the parking ticket in California municipal courts
21 through numerous appeals. Griffin alleges that no signs were posted indicating that parking was not
22 permitted at the time he was ticketed. Having been denied what he considered justice on his parking
23 ticket complaint, Griffin has filed this case alleging numerous violations of his constitutional rights
24 by those involved in his parking ticket grievance.

25 All defendants are California residents or entities. The City of Lake Elsinore ("City"), is a
26 municipality in Riverside County, California. Fred Lopez is a City employee and issued the ticket.

1 John Van Doren is a hearing officer for the City. The Citation Processing Center is in Newport
2 Beach, California. Diana Giron is a Deputy City Clerk. Leah Park is a City employee. Robert
3 Rancourt, Elaine Kiefer, and Albert Wokcik are judges in Riverside County. Senator Pamela D.
4 Harris represents California in Congress. Mr. Beardsley's position and role as a defendant are
5 unclear.

6 Griffin filed his Complaint (#1) in the United States District Court for the District of Nevada
7 on March 14, 2017. Defendants have now moved to dismiss the complaint for lack of personal
8 jurisdiction and improper venue.

9 II. Analysis

10 Federal courts are courts of limited jurisdiction. Kokkonen v. Guardian Life Ins. Co. of Am.,
11 511 U.S. 375, 377(1994). Before the merits of the case may be considered, the Court must determine
12 if it has jurisdiction and if the suit has been filed in the proper venue.

13 A. Personal Jurisdiction

14 The Fourteenth Amendment limits the personal jurisdiction of state courts. See, e.g.,
15 World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 291 (1980); International Shoe Co. v.
16 State of Wash., Office of Unemployment Compensation and Placement, 326 U.S. 310, 316–317
17 (1945); Pennoyer v. Neff, 95 U.S. 714, 733 (1878). Federal courts follow state law in determining the
18 bounds of their personal jurisdiction. Walden v. Fiore, 134 S. Ct. 1115, 1121 (2014) (quoting
19 Daimler AG v. Bauman, 134 S.Ct. 746, 753 (2014). Nevada's long arm statute extends to the limits
20 of the Constitution's Fourteenth Amendment limits. See Nev. Rev. Stat. § 14.065.

21 Plaintiff bears the burden of establishing personal jurisdiction, either general or specific.
22 Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 919 (2011). General jurisdiction
23 applies when a party's relationship with the forum is systematic and continuous, and the party is
24 essentially "at home" in the state. Id.; see also International Shoe, 326 U.S., at 317. Specific personal
25 jurisdiction depends on an affiliation between the forum and the parties that relates to the underlying
26 controversy. Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915, 919 (2011).

1 “On a motion to dismiss for lack of personal jurisdiction, the plaintiff has the burden to
2 establish jurisdiction.” Lee v. City of Los Angeles, 250 F.3d 668, 692 (9th Cir. 2001). To establish
3 personal jurisdiction over a defendant, the plaintiff must show that: “(1) defendants purposefully
4 availed themselves of the privilege of conducting activities in [Nevada], thereby invoking the
5 benefits and protections of its laws; (2) [their] claims arise out of defendants’ [Nevada]-related
6 activities; and (3) the exercise of jurisdiction would be reasonable.” Lee v. City of Los Angeles, 250
7 F.3d at 692.

8 The Complaint (#1) alleges that Defendants are California residents. There are no allegations
9 that Defendants have connections of any kind to Nevada. Defendants have not “availed themselves”
10 of the laws and benefits of Nevada. Not only are Defendants not “at home” in Nevada, there are no
11 aspects of the current controversy related to Nevada. Griffin’s allegations do not arise out of any
12 Nevada-related activities, as the ticket and appeals all occurred in California, particularly in the City
13 of Lake Elsinore. Nevada courts do not have jurisdiction over Defendants for this controversy.

14 When defendants challenge jurisdiction in their motion to dismiss, the burden is on the
15 plaintiff to establish jurisdiction. See Lee v. City of Los Angeles, 250 F.3d 668, 692 (9th Cir. 2001).
16 By failing to address arguments in an opposition, a party effectively concedes a claim, making
17 dismissal proper. See Jenkins v. County of Riverside, 398 F.3d 1093, 1095 n. 4 (9th Cir. 2005); see
18 also Walsh v. Nev. Dep’t of Human Res., 471 F.3d 1033, 1037 (9th Cir. 2006) (where opposition to a
19 motion to dismiss failed to address arguments in the motion to dismiss, the plaintiff effectively
20 abandoned the claim to relief).

21 Griffin’s response to Defendants’ motion to dismiss does not address the Court’s lack of
22 personal jurisdiction over Defendants. It is Griffin’s burden to establish the jurisdiction of this Court.
23 See Lee, 250 F.3d at 692. The Court agrees with Defendants that this Court lacks personal
24 jurisdiction. Further, absent any opposition or argument from Griffin that the Court does have
25 jurisdiction, per Jenkins, dismissal for lack of personal jurisdiction is appropriate. Therefore, the
26 Court grants Defendants’ motion to dismiss.

1 B. Venue

2 Even if the Court could exercise personal jurisdiction, it would dismiss the case for improper
3 venue. Venue refers to the geographic specification for the proper court for a civil action and is
4 independent of considerations of jurisdiction. 28 U.S.C. § 1390. Cases initially filed in federal court
5 must be filed in the correct venue. 28 U.S.C. § 1391(a). The appropriate venue is defined as follows:

6 A civil action may be brought in-

7 (1) a judicial district in which any defendant resides, if all defendants
8 are residents of the State in which the district is located;

9 (2) a judicial district in which a substantial part of the events or
10 omissions giving rise to the claim occurred, or a substantial part of
11 property that is the subject of the action is situated; or

12 (3) if there is no district in which an action may otherwise be brought
13 as provided in this section, any judicial district in which any defendant
14 is subject to the court's personal jurisdiction with respect to such
15 action.

16 28 U.S.C. 1391(b).

17 “When venue is challenged, the court must determine whether the case falls within one of the
18 three categories set out in Section 1391(b). If it does, venue is proper; if it does not, venue is
19 improper, and the case must be dismissed or transferred under Section 1406(a).” Atl. Marine Const.
20 Co. v. U.S. Dist. Court for W. Dist. of Texas, 134 S. Ct. 568, 577 (2013).

21 1. Defendants are not residents of Nevada

22 The first prong of the venue statute provides that venue is proper in any district in which a
23 defendant resides, if all defendants reside in the same state. 28 U.S.C. 1391(b)(1). All Defendants are
24 residents of the same state. However, they are residents of the state of California and not Nevada.
25 Nevada is not a proper venue based on the first prong of the venue statute.

26 2. Events did not take place in Nevada

 The second prong of the venue statute states that venue is proper where a substantial part of
the events in controversy occurred. 28 U.S.C. 1391(b)(2). In this case, the events in controversy took
place in the City of Lake Elsinore, and more broadly in Riverside County California. Nevada is not a
proper venue based on the second prong of the venue statute.

1 3. Defendants are not subject to Nevada jurisdiction

2 The third prong of the venue statute says that if there is no otherwise proper venue, then
3 venue is proper in any court with personal jurisdiction over defendants. 28 U.S.C. 1391(b)(3). The
4 third prong of the venue statute is not reached in this case because venue would be valid only in
5 California, based on Section 1391(b)(1-2). Defendants are all either California entities or California
6 residents. The events forming the basis of this controversy took place entirely in California. Finally,
7 Defendants are not subject to personal jurisdiction in Nevada. Thus, even if California was not a
8 valid venue, Nevada would still not be a proper venue.

9 Thus, even if the Court could exercise jurisdiction, which it cannot, the action would be
10 dismissed for Plaintiff's failure to file the action in the appropriate venue.

11 III. Conclusion

12 Accordingly, **IT IS HEREBY ORDERED** that Defendants' Motion to Dismiss (#8) is
13 **GRANTED;**

14 **IT IS FURTHER ORDERED** that the present action is **DISMISSED without prejudice;**

15 **IT IS FURTHER ORDERED** that all other motions are **DENIED as moot.**

16 DATED this 28th day of June 2017.

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20 Kent J. Dawson
21 United States District Judge
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